IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date:- 10.04.2007

Coram

The Honourable Mr. Justice P. SATHASIVAM

and

The Honourable Mr. Justice S. TAMILVANAN

W.A. No.3820 of 2004

and

W.A.M.P. No.7221 of 2004

The Revenue Divisional Officer,
Kallakurichi,
Villupuram District. ... Appellant/Respondent

..Vs..

M. Revathi (Minor) ... Respondent/Petitioner
minor rep by father and guardian
C. Mani

Appeal to set aside the order dated 3.9.2004 passed in W.P. No.25295 of 2004 on the file of this Court. Petition to file under Article 226 of the Constitution of India to issue a writ of Mandamus to direct to the respondent to issue communicty Certificate to the petitioner as belonging to the schedules Tribe Community Malai Kuravan.

For Appellant : Mr. K. Elango,
Spl. Govt. Pleader

For Respondents : Mr. E. Vijay Anand

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JUDGMENT

(Judgment was delivered by P. SATHASIVAM, J.)

The above writ appeal is directed against the order of the learned Single Judge dated 3.9.2004 made in W.P. No.25295 of 2004, in and by which, the learned Judge directed the respondent therein viz. the Revenue Divisional Officer, Kallakurichi to consider the representation dated 8.3.2004 given by the

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petitioner's father and issue community Certificate forthwith.

2. Heard the learned Special Government Pleader appearing for the appellant as well as the learned counsel appearing for the respondent.

3. At the outset, learned Special Government Pleader brought to our notice that even as early as 16.7.2004, the Revenue Divisional Officer, after considering the claim of the writ petitioner, came to the conclusion that the writ petitioner belongs to denotifed community and if she is aggrieved, she is free to file an appeal before the District Collector within a period of thirty days. The said order was not brought to the notice of the learned Judge when he passed an order in the writ petition on 3.9.2004.

4. In view of the fact that the request of the petitioner was considered and an order has been passed, no doubt against her request, we are of the view that the direction of the learned Judge to consider the representation dated 8.3.2004 and also issue community Certificate forthwith does not arise. On this ground, the order of the learned Judge dated 3.9.2004 passed in W.P. No.25295 of 2004 is set aside. It is made clear that the respondent herein-writ petitioner is free to move the appropriate Authority to vindicate her grievance, if any.

5. With the above observation, the writ appeal is allowed. Consequently, the connected W.A.M.P. is closed. No costs.
Ssa.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

The Revenue Divisional Officer,
Kallakurichi,
Villupuram District.

+ one cc to the Government Pleader sr no. 23266

SR(CO)
NM(18.04.07)

W.A. No.3820 of 2004 and
connected W.A.M.P.

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